

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  ) No. 07 CR 783-1  
v.                             )  
                                  )  
JAIME BARRAZA CRUZ,        )  
                                  )  
Defendant.                    )

**DEFENDANT'S NOTICE OF APPEAL**

Defendant, Jaime Barraza Cruz, by his attorney, Thomas More Leinenweber, hereby gives notice to the United States of America of his intention to appeal to the United States Court of Appeals for the Seventh Circuit. This is an appeal of the final judgment of conviction and of Judge Matthew Kennelly's sentence of April 15, 2008, sentencing Cruz to sixty-four (64) months in the custody of the Federal Bureau of Prisons and thirty-six (36) months of supervised release.

Respectfully submitted,

s/Thomas More Leinenweber  
Thomas More Leinenweber

Thomas More Leinenweber  
Leinenweber & Baroni, LLC  
321 South Plymouth Court, Suite 1515  
Chicago, Illinois 60604  
(312) 663-3003

**SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET**

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 07 cr 783

PLAINTIFF (Petitioner)

v.

DEFENDANT (Respondent)

USA/appellee	Cruz/appellant
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(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name	Jacqueline O. Stern	Name	Thomas M. Leinenweber
Firm	AUSA	Firm	Leinenweber & Baroni
Address	219 So. Dearborn Suite 500 Chgo. IL. 60604	Address	321 S. Plymouth Ct. Suite 1515
Phone	312) 353-5300	Phone	312) 663-3003

## Other Information

District Judge	Kennelly	Date Filed in District Court	11/28/07
Court Reporter	L. Brennan X-5785	Date of Judgment	4/21/08
Nature of Suit Code		Date of Notice of Appeal	4/23/08

COUNSEL:      Appointed       Retained       Pro Se

FEE STATUS:      Paid       Due       IFP   
 IFP Pending       U.S.       Waived

Has Docketing Statement been filed with the District Court Clerk's Office?      Yes       No

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted       Denied       Pending

If Certificate of Appealability was granted or denied, date of order: \_\_\_\_\_

If defendant is in federal custody, please provide U.S. Marshall number (USM#): \_\_\_\_\_

**IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(A). Rev 04/01**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   )  
                                  )  
                                  ) No. 07 CR 783-1  
v.                             )  
                                  )  
JAIME BARRAZA CRUZ.       )  
                                  )  
Defendants.                 )

**DOCKETING STATEMENT**

This is a direct appeal from a criminal conviction and sentence in federal district court. The criminal prosecution was brought pursuant to 8 U.S.C. ¶¶1326(a) and (b)(2) and 6 U.S.C. ¶202(4). .

The jurisdiction of the district court was authorized pursuant to 18 U.S.C. Section 3231. The Court of Appeals for the Seventh Circuit has jurisdiction pursuant to 28 U.S.C. Section 1291 and 18 U.S.C. Section 3742(a).

The final order in this case was entered on April 15, 2008. Notice of Appeal was timely filed by defendant on April 24, 2008.

Respectfully submitted,

s/Thomas More Leinenweber  
Thomas More Leinenweber

Thomas More Leinenweber  
Leinenweber & Baroni, LLC  
321 South Plymouth Court, Suite 1515  
Chicago, Illinois 60604  
(312) 663-3003

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Matthew F. Kennelly	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 CR 783	DATE	4/15/2008
CASE TITLE	USA vs. Jaime Cruz		

## DOCKET ENTRY TEXT

Sentencing held. Clerk of Court is directed to term all pending motions and deadlines.

Docketing to mail notices.

01:20

	Courtroom Deputy Initials:	OR
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APPEAL, DENLOW

**United States District Court**  
**Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3 (Chicago)**  
**CRIMINAL DOCKET FOR CASE #: 1:07-cr-00783-1**  
**Internal Use Only**

Case title: USA v. Cruz

Date Filed: 11/28/2007

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Assigned to: Honorable Matthew F.  
Kennelly

**Defendant (1)****Jaime Barraza Cruz**

represented by **Thomas More Leinenweber**  
Leinenweber & Baroni, LLC  
321 South Plymouth Court  
Suite 1515  
Chicago, IL 60604  
(312) 663-3003  
Email: thomas@landb.us  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Pending Counts**

; 6:202(4) REENTRY OF DEPORTED  
ALIENS  
(1)

**Disposition****Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff****USA**represented by **Jacqueline O. Stern**

United States Attorney's Office (NDIL)  
 219 South Dearborn Street  
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 Chicago, IL 60604  
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 Email: jacqueline.stern@usdoj.gov  
**LEAD ATTORNEY**  
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**ATTORNEY TO BE NOTICED**

**Pretrial Services**

435-5545  
 Email:  
 ilnptdb\_Court\_Action\_Note@ilnpt.uscourts.gov

**ATTORNEY TO BE NOTICED****Probation Department**

408-5197  
 Email: Intake\_Docket\_ILNP@ilnp.uscourts.gov  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/28/2007	<a href="#">1</a>	INFORMATION as to Jaime Barraza Cruz (1) count(s) 1 (meg, ) (Entered: 11/30/2007)
11/28/2007		(Court only) ***Set/Clear Flags as to Jaime Barraza Cruz to Magistrate Judge Denlow (meg, ) (Entered: 11/30/2007)
11/28/2007	<a href="#">2</a>	DESIGNATION Sheet: FELONY (Category IV). (meg, ) (Entered: 11/30/2007)
11/30/2007	<a href="#">3</a>	NOTICE of Arraignment as to Jaime Barraza Cruz before Honorable Matthew F. Kennelly on Monday, 12/3/2007 at 9:30 a.m. (meg, ) (Entered: 11/30/2007)
12/03/2007	<a href="#">4</a>	MINUTE entry before Judge Matthew F. Kennelly as to Jaime Barraza

		Cruz :Arraignment held. Defendant enters a plea of not guilty to all counts of the information. Defendant waives the right to prosecution by indictment. Waiver of indictment signed in open court. Change of plea set to 12/19/2007 at 2:30 p.m. Ordered time excluded pursuant to 18 U.S.C. 3161(h)(1)(F). Mailed notice (meg, ) (Entered: 12/06/2007)
12/03/2007	<a href="#">5</a>	WAIVER of indictment by Jaime Barraza Cruz (meg, ) (Entered: 12/13/2007)
12/19/2007	<a href="#">6</a>	MINUTE entry before Judge Matthew F. Kennelly as to Jaime Barraza Cruz: Defendant withdraws plea of not guilty and enters a plea of guilty to Count One of the Information. Enterfinding of guilty. Case referred to the Probation Office for the preparation of a presentence report.Sentencing set to 4/2/2008 at 1:30 PM.Mailed notice (yap, ) (Entered: 12/20/2007)
12/19/2007	<a href="#">7</a>	PLEA Agreement as to Jaime Barraza Cruz (las, ) (Entered: 12/26/2007)
04/01/2008	<a href="#">8</a>	MOTION by Jaime Barraza Cruz to continue <i>Sentencing Date</i> (Leinenweber, Thomas) (Entered: 04/01/2008)
04/01/2008	<a href="#">9</a>	NOTICE of Motion by Thomas More Leinenweber for presentment of motion to continue <a href="#">8</a> before Honorable Matthew F. Kennelly on 4/2/2008 at 01:30 PM. (Leinenweber, Thomas) (Entered: 04/01/2008)
04/01/2008	<a href="#">10</a>	ATTORNEY Appearance for defendant Jaime Barraza Cruz by Thomas More Leinenweber (Leinenweber, Thomas) (Entered: 04/01/2008)
04/01/2008	<a href="#">11</a>	AMENDED NOTICE of Motion by Thomas More Leinenweber for presentment of motion to continue <a href="#">8</a> before Honorable Matthew F. Kennelly on 4/2/2008 at 09:00 AM. (Leinenweber, Thomas) (Entered: 04/01/2008)
04/02/2008	<a href="#">12</a>	MINUTE entry before Judge Honorable Matthew F. Kennelly:Motion to continue sentencing <a href="#">8</a> is granted as to Jaime Barraza Cruz (1); ( Sentencing date of 4/3/2008 is vacated and reset for 4/15/2008 at 01:30 PM.) (or, ) (Entered: 04/02/2008)
04/11/2008	<a href="#">13</a>	SENTENCING MEMORANDUM as to Jaime Barraza Cruz (Leinenweber, Thomas) (Entered: 04/11/2008)
04/11/2008	<a href="#">14</a>	NOTICE of of Filing as toJaime Barraza Cruz regarding sentencing memorandum <a href="#">13</a> (Leinenweber, Thomas) (Entered: 04/11/2008)
04/11/2008	<a href="#">15</a>	Sentencing Exhibits by Jaime Barraza Cruz (Leinenweber, Thomas) (Entered: 04/11/2008)
04/11/2008	<a href="#">16</a>	NOTICE of of Filing as toJaime Barraza Cruz regarding miscellaneous remark <a href="#">15</a> (Leinenweber, Thomas) (Entered: 04/11/2008)
04/15/2008	<a href="#">18</a>	MINUTE entry before Judge Matthew F. Kennelly as to Jaime Cruz:Sentencing held. Clerk of Court is directed to term all pending motions and deadlines. Mailed notice (meg, ) (Entered: 04/21/2008)
04/16/2008	<del><a href="#">17</a></del>	MOTION by USA to supplement as to Jaime Barraza Cruz <i>Government's</i>

		<i>Filing Of Defendant's Letter</i> (Attachments: # <a href="#">1</a> Letter)(Stern, Jacqueline) (Entered: 04/16/2008)
04/23/2008	<a href="#">19</a>	NOTICE OF APPEAL by Jaime Barraza Cruz regardin in court hearing <a href="#">18</a> (Leinenweber, Thomas) (Entered: 04/23/2008)
04/23/2008	<a href="#">20</a>	DOCKETING statement by Jaime Barraza Cruz regarding notice of appeal <a href="#">19</a> (Leinenweber, Thomas) (Entered: 04/23/2008)
04/23/2008	<a href="#">21</a>	NOTICE of of Filing Appeal as toJaime Barraza Cruz regarding docketing statmeent <a href="#">20</a> , notice of appeal <a href="#">19</a> (Leinenweber, Thomas) (Entered: 04/23/2008)
04/24/2008	<a href="#">22</a>	NOTICE of Appeal Due letter sent to counsel of record (dj, ) (Entered: 04/24/2008)